

## REMARKS

In lieu of an Appeal Brief following the notice of appeal filed February 25, 2008, and in response to the Office Action of August 24, 2007, the Applicants submit this Reply. In view of the preceding amendments and following remarks, reconsideration is requested.

Claims 1, 3, 5-11, 13-19 and 44 are pending in this application of which claims 1 and 16 are independent. No fee is due for claims for this Reply.

### Rejections Under 35 USC §101

Claims 1-3, 5-11, 13-19 were rejected under 35 USC §101 as directed to non-statutory subject matter. The Action asserts that because the claims are not structurally and functionally interrelated to a computer-readable medium, they are incapable of producing a useful, concrete and tangible result. The rejection is respectfully traversed with claim amendments. The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (O.G. Notices: 22 November 2005) state that while an "applicant may assert more than one utility and practical application, ...only one is necessary." At least one practical application of the presently claimed invention is presented in the Background section of the instant specification, which describes problems in data processing systems of "cop[ing] with an increasing amount of business-related information." Accordingly, by providing a solution to such problems (e.g., providing a proxy file system for a larger shared file system), the presently claimed invention provides computer-implemented methods that produce useful, concrete and tangible results. Thus, Applicants request reconsideration and withdrawal of this ground for rejection.

### Rejection of Claims 1-3, 5-11, 13-19 and 43 Under 35 U.S.C. §102

Claims 1-3, 5-11, 13-19 and 43, of which claims 1 and 16 are independent, were rejected under 35 U.S.C. §102 in view of U.S. PG. Pub. No. 2003/0046369 ("Sim"). Claims 2, 7 and 43 have been canceled. New claim 44 has been added. The rejection is respectfully traversed with respect to all remaining claims.

Sim is directed to "delivering large payloads (i.e., files) closer to users in a network environment." (Par. [0002]). Sim's system accomplishes this "by breaing the large file into multiple portions and storing those portions in locations (e.g., nodes) distributed throughout the

network...utilizing a flow optimization technique that provides for the intelligent management of large data files.” (par. [0041]). This may be accomplished by selective partitioning into blocks that are replicated and distributed to a plurality of distribution stations. (par. [0044]). Each node at the edge of the network is configured to appear as if it has the large file stored locally when portions of the file are really stored on other nodes located through the network. (par. [0041]). “[W]hen a user requests access to the large payload file...a virtual file control system creates an illusion that the entire file is present at the connected node.” (emphasis added, par. [0044]). Sim’s Virtual File Control System (VFCS) 702, as shown in Figure 7, pieces the original (large payload) file back together from distributed block files. (par. [0083-0085]).

The presently claimed invention is directed to a completely different configuration and methodology. Whereas Sim discloses a virtual file system distributed over many nodes with only portions of the actual large sharable file data stored at each node, but with the appearance that all of the file is present on the node, the presently claimed system and method uses a *small proxy file system remote from a larger shared storage file system to describe the larger shared storage file system*. As recited in Claims 1 and 16, *the plurality of proxy files are associated with counterpart data files in the shared storage...and essentially include counterpart data file location information that is used by the clients to access the counterpart data*. In Sim’s configuration, the VFCS accesses the distributed data stores in order to decompose and reconstruct the large files.

The remaining claims 1, 3, 5-6, 8-11, 13-19 and 44 are dependent claims that are distinguishing over Sim for at least the same reasons as the independent claims.

Further, with respect to Claims 3 and 19, Sim fails to disclose controller configured to *retrieve from the proxy files the information for accessing the counterpart data files from the shared storage in response to the clients’ access attempts and to provide the clients with access to the counterpart data files in the shared storage using the access information retrieved from the proxy files*. As noted above, in Sim’s system the VFCS access the shared storage, not the clients requesting access.

Accordingly, the rejection of claims 1, 3, 5-6, 8-11, 13-19 and 44 in view of Sim is respectfully traversed.

### CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this reply, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, please charge any fee to **Deposit Account No. 50-0876**.

Respectfully submitted,

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